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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/577,449 | 05/24/2000 | Scott C. Harris | SCH/BIOMETRICS | 4716 |
| 23844 | 7590 | 12/04/2003 | EXAMINER | |
| SCOTT C HARRIS | | | SHIN, KYUNG H | |
| P O BOX 927649 | | | ART UNIT | PAPER NUMBER |
| SAN DIEGO, CA 92192 | | | 2132 | |
| DATE MAILED: 12/04/2003 | | | | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/577,449 | HARRIS, SCOTT C. |
| | Examiner | Art Unit |
| | Kyung H Shin | 2132 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 May 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
 4) Interview Summary (PTO-413) Paper No(s) _____.
 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This action is responding to application filed on 5/24/2000.
2. Claims 1-25 are presented for examination. Claims 1, 7, 11, 14, 17, and 22 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Bjorn (U.S. Patent No. 6,035,398).
5. **Regarding claim 1, 17 and 22**, Bjorn discloses a method comprising:
 - a) obtaining information about a biometric part of a user's body; (col. 4, lines 4-7)

b) forming a cryptographic key based on said biometric information without determining absolute dimensions of said biometric information. (col. 4, lines 4-30)

6. **Regarding claim 2, 9, 13, 18 and 23**, Bjorn discloses a method as in claim 1 wherein said forming comprises determining ratios between different portions of said biometric information. (col. 4, lines 13-20)

7. **Regarding claim 3, 10, 12 and 24**, Bjorn discloses a method as in claim 1 further comprising entering a plurality of different biometric features in a sequence, an order of the sequence forming the code. (col. 4, lines 21-24)

8. **Regarding claim 4 and 19**, Bjorn discloses a method as in claim 1 further comprising entering information that is supplemental to the biometric information, the supplemental information indicating parts of the biometric information, which should be used to form the code. (col. 4, lines 27-35)

9. **Regarding claim 5 and 20**, Bjorn discloses a method as in claim 1 wherein said biometric part is a fingerprint. (col. 1, lines 39-41)

10. **Regarding claim 6, 21 and 25**, Bjorn discloses a method as in claim 9 wherein the supplemental information includes an angle of a line used to obtain the information. (Fig. 9, col. 6, lines 30-49)

11. **Regarding claim 7**, Bjorn discloses a method comprising:

- entering biometric information; (col. 4, lines 4-7)

- b) determining relationships between different parts of the biometric information; (col. 4, lines 13-20)
- c) using said relationships to form a cryptographic key. (col. 4, lines 21-24)

12. **Regarding claim 8 and 17**, Bjorn discloses a method as in claim 7 further comprising using said cryptographic key to encrypt or decrypt information. (col. 4, lines 30-36)

13. **Regarding claim 11**, Bjorn discloses an apparatus comprising:

- a) a biometric information obtaining part; (col. 3, lines 6-7)
- b) a computer; (Fig. 1, col. 2, line 37)
- c) wherein said computer is responsive to obtain an image from the biometric information part, extract values from the biometric information part, (col. 3, line 26) and use said values to encrypt or decrypt a message. (col. 4, lines 30-36)

14. **Regarding claim 14**, Bjorn discloses a fingerprint sensor comprising: an image sensor chip forming a plurality of pixels for sensing an image, said chip having an active surface which receives said image, said active surface adapted to receive a finger thereon to obtain a fingerprint there from and produce an output indicative of the fingerprint. (col. 3, lines 25-35)

15. **Regarding claim 15**, Bjorn discloses a sensor as in claim 14 further comprising:

a computer part, connected to said image sensor, (cols. 3, lines 4-11) receiving said output, and using said output to form a cryptographic key. (col. 6, line 16)

16. **Regarding claim 16**, Bjorn discloses a method as in claim 15 wherein said cryptographic key formed from a relationship between different parts of the image. (col. 6, lines 30-49)

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is 703-305-0711. The examiner can normally be reached on 6:30 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-2394.

KHS

Kyung H Shin
Patent Examiner
Art Unit 2132

Gilberto Barron
GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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November 26, 2003